

REMARKS

Claims 1-10, 15-19, 25-34, and 39-43 are pending in the present application. Claims 11-14, 20-24, 35-38, and 44-48 were previously cancelled. Claims 1, 7, 25, and 31 have been amended herein. No new matter has been added. Applicants respectfully request reconsideration of the claims in view of the following remarks.

Claims 1-10 and 25-34 have been rejected under 35 U.S.C. § 102(e) as assertedly being anticipated by U.S. Patent No. 6,970,939 (hereinafter “Sim”). Applicants respectfully traverse these rejections.

Regarding claim 1, Applicants have amended claim 1 to recite “at least two of the resources having a different version.” The cited reference fails to disclose this feature, and accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

Regarding claim 7, Applicants have amended claim 7 to recite “at least two of the resources being independently retrievable.” The cited reference fails to disclose this feature, and accordingly, Applicants respectfully request that the rejection of claim 7 be withdrawn.

Regarding claim 25, Applicants have amended claim 25 to recite “at least two of the resources having a different version.” The cited reference fails to disclose this feature, and accordingly, Applicants respectfully request that the rejection of claim 25 be withdrawn.

Regarding claim 31, Applicants have amended claim 31 to recite “the resources being retrievable independently from each other.” The cited reference fails to disclose

this feature, and accordingly, Applicants respectfully request that the rejection of claim 31 be withdrawn.

With regard the comments contained in the Office Action, Applicants respectfully disagree. First, the Office Action asserted that Sim, column 33, lines 47-51, discloses the limitation, “each of the resources having a version.” Office Action, page 2. It should be noted that the referenced section of Sim, however, refers to the attributes, which define the network topology, *e.g.*, how the various network nodes are interconnected. See, *e.g.*, Sim, column 33, lines 14-60, and column 12, line 47-column 13, line 20. In particular, the referenced section is discussing the update of the network topology when network nodes are added.

The assertion that Applicants’ resources are disclosed by the attributes in Sim not only makes no sense when considered with the other claim language, but it is also inconsistent with other statements contained in the Office Action. Applicants’ claim 1 explicitly recites, “determining by the client a subset of *resources that the client application requires . . . retrieving the subset of the resources by version . . . performing the client application with the subset of resources.*” Assuming for the sake of argument that Applicants’ client application is the web-browser of Sim as asserted by the Office Action (see Office Action, page 2), then the web-browser: (1) does not need the attributes; (2) does not retrieve the attributes by version number; and (3) certainly does not perform the web-browser with the attributes. Rather, the attributes only identify the network topology.

The assertion that the attributes of Sim disclose Applicants’ resources is also inconsistent with the Office Action itself. As discussed above, the Office Action on one

hand asserts that the attributes disclose Applicants' resources, but on the other hand, the Office Action also appears to assert that the resources are the smaller blocks of the larger file. In particular, the Office Action asserted that column 22, lines 30-59, discloses the step of "determining by the client a subset of the resources that the client application requires." Office Action, page 3. This section, however, is only discussing the retrieval of the smaller blocks of a larger payload. Sim discloses a method of breaking a large payload file, such as a movie, into smaller blocks for delivery. The above-referenced section is only discussing the retrieval of these smaller blocks, such as smaller blocks of a movie. These smaller blocks of the movie, however, clearly do not have versions – a movie is a sequential file of a single version.

It should be noted that Applicants' claim 1 recites "a plurality of resources" and "the resources." By the use of "the resources," the resources used in the receiving, determining, retrieving, and performing steps refer to the same resource. It is also clear that the attributes, which are used to define the network topology, are not used in this manner. Furthermore, as discussed above, it is also clear that the smaller blocks of a larger movie file do not have versions as recited in Applicants' claim 1.

Nevertheless, Applicants have amended claim 1 (and claim 25) as discussed above in an attempt to move this case forward.

Claims 2-6, 8-10, 26-30, and 32-34 depend from claims 1, 7, 25, and 31, respectively, and add further limitations. It is respectfully submitted that these dependent claims are allowable by reason of depending from an allowable claim as well as for adding new limitations.

In view of the above, Applicants respectfully submit that this response complies with 37 C.F.R. § 1.116. Applicants further submit that the claims are in condition for allowance. No new matter has been added by this amendment. If the Examiner should have any questions, please contact Applicants' attorney at the number listed below. The Commissioner is hereby authorized to charge any fees that are due, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,

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Date

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